



INDIANA OFFICE OF SMALL BUSINESS AND ENTREPRENEURSHIP

Jacob Schpok, Executive Director

March 13, 2014

Jennifer M. Keane
Paralegal
NRC, Division of Hearings
Indiana Government Center-North
100 North Senate Avenue, Room N501
Indianapolis, IN 46204-2200

Dear Ms. Keane,

Pursuant to IC 4-22-2-28, the Indiana Office of Small Business and Entrepreneurship ("OSBE") has reviewed the economic impact analysis for small business associated with rule changes contained in LSA Document 13-528 proposed by the Natural Resources Commission (NRC). The proposed rule adds 312 IAC 9.5 to establish an option for an in-lieu fee to mitigate adverse impacts to fish, wildlife, or botanical resources for activities authorized by a permit under IC 14-26-2, IC 14-28-1, or IC 14-29-1.

The economic impact statement prepared by the NRC indicates there is a \$480 per year for administrative costs, but total economic costs cannot be determined. The costs for in-lieu fee are only required when mitigation is required for a permit applicant, and the applicant requests to use the in-lieu fee option to serve as mitigation for a project in which a permit is required under the Lakes Preservation Act (IC 14-26-2), Flood Control Act (IC 14-28-1), or Navigable Waterways Act (IC 14-29-1). The costs are dependent upon the type of habitat being mitigated (such as forested wetland), and the location in the state. OSBE does not object to the economic impact to small business associated with the proposed rule. If you have any questions about the comments contained herein please contact me at 232.5679 or ombudsman@osbe.in.gov.

Regards,

Jacob Schpok